UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,652	04/19/2001	David Kyle	TT4390	9231

7590 08/11/2006	EXAMINER
Kelly K. Kordzik	NAWAZ, ASAD M
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Dallas, TX 75270	2155

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _08 May 2006_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-26 and 40-52_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-26 and 40-52_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   This action is responsive to the appeal brief filed 5/8/06. Claims 1-26 and 40-52

are pending.

2.

Reopening of Prosecution After Appeal Brief or Reply Brief

3.   In view of the reply filed on 5/8/06, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following

two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37

CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an

appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal

brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37

CFR 41.20 have been increased since they were previously paid, then appellant must

pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below

Response to Arguments

4.   Applicant's arguments, with respect to the rejection(s) of claim(s) 1-26 and 40-52

have been fully considered and are persuasive. Therefore, the rejection has been

withdrawn. However, upon further consideration, a new ground(s) of rejection is made

in view of Khanna in view of Byrne.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claims 1, 14, and 40 are rejected under 35 U.S.C. 102(b) as being taught by

Raguseo (GB 2233671 A).

As to claim 1, Raguseo teaches a method for automatically restoring logon connectivity

in a network system comprising the steps of

establishing a first connection between a client and an Internet gateway (there is

a systems with means for establishing a communication between two nodes (one of

which can be a LAN gateway server) using a first protocol, page 3, lines 30-40)

checking status of said first connection by issuing a first request to said

Internet gateway to access a web server utilizing a protocol blocked under a logged

off status (the status of the connection is checked by a plurality of methods including

polling at intervals and also when a client workstation issues an access request. The

protocol used is one used when "server crashes down" among other faults; page 3,

lines 30-40, page 5, lines 18-25, and page 6, lines 1-10);

determining whether said web server is accessed from said first request (page 3,

lines 30-40 and page 6, lines 1-10); and

automatically attempting to establish a second connection to said Internet

gateway if said web server was not accessed from said first request (a new connection

is created if the first connection has failed; page 3, lines 30-40, page 5, lines 18-30, and

page 6, lines 1-10).

Claims 14 and 40 recite similar limitations and are thus rejected under similar

rationale.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1-10, 14-23 and 40-49 are rejected under 35 U.S.C. 103(a) as being

taught by Khanna (USPN: 5978849) further in view of Byrne (USPN: 6229787).

As to claim 1, Khanna teaches a method for automatically restoring logon

connectivity in a network system comprising the steps of

establishing a first connection between a client and an Internet gateway (a server

receives a clients request for a connection; col 7, lines 42-57)

determining whether said web server is accessed from said first request (col 7,

lines 46-62); and

automatically attempting to establish a second connection to said Internet

gateway if said web server was not accessed from said first request (a new connection

is created if the first connection has failed; Fig 5; col 7, 46-57).

However, Khanna does not explicitly indicate checking status of said first

connection by issuing a first request to said Internet gateway to access a web server

utilizing a protocol blocked under a logged off status.

Byrne teaches a method in which the status of the connection is checked via an

update request. (col 7, lines 20-32).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to incorporate the teachings of Byrne into those of Khanna to make the

system more robust. By checking the status of the connection directly with end-point

via a request, one can avoid erroneous or outdated information within the TW_TCB.

Furthermore, the system would know the exact status of the current node and avoids

storing costly status lists constantly.

As to claim 2, Khanna teaches the method as recited in claim 1, wherein if said

web server was accessed from said first request then the method further comprises the

steps of: waiting for a first period of time (col 6, lines 56-67);

and checking status of said first connection by issuing a second request to said

Internet gateway to access said web server utilizing said protocol blocked under said

logged off status (col 7, lines 46 to col 8, line 20).

As to claim 3, Khanna teaches the method as recited in claim 2, wherein upon said attempting to establish said second connection to said Internet gateway the method further comprises the step of: waiting for a second period of time, wherein said second period of time is less than said first period of time; and checking status of said attempted second connection by issuing a third request to said Internet gateway to access said web server utilizing said protocol blocked under said logged off status (col 6, line 56 to col 7, line 30).

As to claim 4, Khanna teaches the method as recited in claim I., wherein said first connection is established by a first logon procedure (col 7, line 42-46).

As to claim 5, Khanna teaches the method as recited in claim 4, wherein said step of attempting to establish said second connection comprises the steps of: terminating said first logon procedure; and executing a second logon procedure (col 7, lines 4-9 and col 7, lines 42-62).

As to claim 6, Khanna teaches the method as recited in claim 5 further comprising the step of waiting for a first period of time (abstract).

As to claim 7, Khanna teaches the method as recited in claim 6 further comprising the step of checking status of said attempted second connection by issuing

a second request to said Internet gateway to access said web server utilizing said

protocol blocked under said logged off status (col 7, lines 46 to col 8, line 20).

As to claim 8, Khanna teaches the method as recited in claim 7 further

comprising the step of: determining whether said web server is accessed from said

second request (col 7, line 55 to 62).

As to claim 9, Khanna teaches the method as recited in claim 8, wherein if said

web server is accessed from said second request then the method further comprises

the steps of waiting for a second period of time, wherein said first period of time is less

than said second period of time; and checking status of said attempted second

connection by issuing a third request to said Internet gateway to access said web server

utilizing said protocol blocked under said logged off status (col 7, lines 46 to col 8, line

20).

As to claim 10, Khanna teaches the method as recited in claim 8, wherein if said

web server was not accessed from said second request then the method further

comprises the step of: automatically attempting to establish a third connection to said

Internet gateway (col 7, lines 46 to col 8, line 20).

Claims 14-26 and 40-52 are essentially the system and the computer program

product for the above-mentioned method claims and are thus rejected under similar

rationale.

9.   Claims 11-13, 24-26, and 50-52 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Khanna and Byrne in view of Official notice.

As to claims 11, 24, and 50, Khanna teaches the method as recited in claim 1,

however does not teach wherein said protocol is a HyperText Transport Protocol.

Official notice is taken that It would have been obvious to one of ordinary skill in

the art at the time of the invention to incorporate HTTP into Khanna because Khanna

essentially teaches content sharing/transmission via online communications protocols

like TCP to accomplish a similar task.

As to claim 12, 25, and 51, Khanna teaches the method as recited in claim 1,

however does not teach wherein said protocol is a file transfer protocol.

Official notice is taken that It would have been obvious to one of ordinary skill in

the art at the time of the invention to incorporate FTP into Khanna because Khanna

essentially teaches content sharing/transmission via online communications protocols

like TCP to accomplish a similar task.

As to claim 13, 26, and 52, Khanna teaches the method as recited in claim 1,

however does not teach wherein said protocol is a telnet protocol.

Official notice is taken that It would have been obvious to one of ordinary skill in

the art at the time of the invention to incorporate telnet into Khanna because Khanna

essentially teaches content sharing/transmission via online communications protocols like TCP to accomplish a similar task.

Conclusion

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMN

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER